Wetland Statement of Findings for the Marine Mammal Center Site and Facilities Improvements Project

A draft of this Wetland Statement of Findings was included in the Marine Mammal Center Site and Facilities Improvements Project Environmental Assessment for public review. It meets the obligations of Executive Order 11990 (Protection of Wetlands) and Director's Order 77- 1 and the accompanying NPS Procedural Manual 77- 1: Wetland Protection.

Introduction

The Marine Mammal Center (The Center), which began its operation 28 years ago, is located in the Marin Headlands on land owned and managed by the Golden Gate National Recreation Area (GGNRA). Figure 1, reproduced from *the Marine Mammal Center Site and Facilities Improvements Project Environmental Assessment* (EA), shows the overall area of potential affect for the project. The GGNRA manages about 72 miles of coastline and adjacent waters in one of the four richest habitats for marine mammals in the world. A primary goal of The Center's work is to learn about and protect the marine mammal resources in the park's coastal areas. The partnership between The Center and the GGNRA is unique in the national park system with respect to ocean resources. The mission of The Center is carried out under three distinct but related function areas:

- rescue, rehabilitation, and release;
- research; and
- education.

The Center, which is an existing rehabilitation hospital for marine mammals, is in need of retrofitting its facilities to better achieve its mission, treating hundreds of injured, ill or orphaned marine mammals that are stranded in coastal waters every year. The Center recently has secured funding to embark on this important retrofit and proposes to construct new facilities at its site to better accomplish it mission and consolidate its functions for improved operations. Proposed improvements include:

- an upgraded water filtration system;
- upgraded pens and pools;
- consolidation of administrative and education functions in several new buildings;
- improved research and medical facilities; and
- improved access to operations and consolidated parking.

The Center currently occupies approximately 28,000 sq. ft. of space at the former Nike Missile site (referred to as the treatment site) and in three buildings (1065, 1071 and 1044), at nearby Fort Cronkhite. The treatment site includes seven buildings, totaling 11,561 sq. ft. of enclosed space.

Hospital functions and animal housing are located at the treatment site itself. The entire assigned site comprises about 3.0 acres.

Insert Figure 1, Map of Area of Potential Effect

Purpose and Need for Action

The existing facilities no longer meet the operational needs of The Center, particularly those at the treatment site. The ability of The Center to achieve its mission has been diluted by the inefficiencies of widely dispersed location of services and sub- standard buildings and supporting infrastructure. The Center has undergone various changes over time, as needs and funding became available. As a result, there are inefficiencies and outdated facilities which now need to be modernized in order for The Center to fulfill its mission and continue its noteworthy programs.

In order to administer better care to marine mammals, educate the public, and improve research techniques, The Center is proposing to consolidate its facilities to one site. This would entail the retrofit of some of the existing facilities, demolition of some non- historic structures, and construction of new space on the former Nike Missile site. It would also improve current access, circulation, and visitor parking problems at the site, and address issues of access by emergency vehicles to the treatment site. In an effort to minimize impacts to the surrounding area, the proposal includes the modernization of existing facilities largely within the footprint of the developed site.

Please refer to Chapter 1 of the EA, Project Need and Project Purpose/Objectives for more detail about the project need and objectives (attached).

Purpose of this Statement of Findings

The purpose of this Wetland Statement of Findings is to review the Marine Mammal Center Site and Facilities Improvements Project in sufficient detail to:

- Avoid, to the extent possible, the short- and long- term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative;
- Describe the effects on wetland values associated with the proposed action; and
- Provide a description and evaluation of mitigation measures developed to achieve compliance with Executive Order 11990 (Protection of Wetlands) and NPS Procedural Manual 77- 1: Wetland Protection.

Alternatives

Four alternatives for the proposed Marine Mammal Center Site and Facilities Improvements Project are evaluated in the EA. Under Alternative 1 (No Action), the project area would remain unchanged, except for normal maintenance and repair. The other three alternatives propose varying configurations for accommodating The Center's program through some demolition of existing structures, some new building and infrastructure construction and new circulation and parking. Alternative 2, the Consolidated Program Alternative, locates most proposed uses, including parking, in one location at the current treatment site and is the preferred alternative. Alternative 3, the Consolidated Program, Remote Parking Alternative, locates most proposed uses at the current treatment site but places most of the required parking at an area below the

treatment site. Alternative 4, the Split Program, Limited New Construction Alternative splits Center functions and parking between its current location within the Ft. Cronkhite complex and accommodates the balance of the program uses and parking through some new construction at the treatment site.

All three action alternatives implement actions designed to improve and upgrade facilities at The Center. All three action alternatives would consolidate all or some of the administrative and animal care facilities in the same location, and would provide for construction of a new perimeter "ring road" to improve access for delivery of large animals and equipment as well as for service and emergency vehicle access. Placement of the ring road would impact 0.08 acres of non-jurisdictional wetlands. Of that, approximately 0.025 acres of the natural and constructed drainages would be filled.

Alternatives Considered

The No Action Alternative (Alternative 1) is the only studied alternative that would completely eliminate effects on wetland resources. This alternative is not considered practicable because it would not meet the Purpose and Need for the proposed action (see Chapter I of the EA).

In addition to the direct effects on the 0.08 acre of wetland, both Alternatives 3 and 4, in which a new parking lot would be constructed on the former kennel site, could have a potential local, long- term, adverse impact (due to sedimentation and run- off) on the wetland area located to the east. Sediment and other run- off from the new remote lot could impair this resource. Alternative 2, the preferred alternative, eliminates effects to these wetlands (compared to Alternatives 3 and 4) while meeting the proposed action's Purpose and Need.

One alternative considered to avoid construction of a ring road, but not studied in the EA, studied the inclusion of alternate new paved roads within The Center's built footprint. In particular, this alternative considered construction of a road directly through the middle of the site, in close proximity to the pens and pools. This alternative would have avoided impacts to wetlands but would have required substantially more grading and site work than the alternatives in the EA in order to accommodate emergency vehicles and delivery trucks. This particular alternative would also have been highly disruptive to the recovering mammals as a result of having a road and vehicles run adjacent to the pens and pools. In conclusion, this alternative had greater environmental impacts to achieve similar results when compared to the alternatives studied.

Other alternatives were considered to either eliminate the ring road or include only a partial ring road on the south and east sides. Alternatives that considered no construction of a ring road were dismissed from further consideration since this would eliminate the possibility of providing adequate emergency (fire truck) access to the treatment site's facilities and therefore not meet the project's objectives. One alternative considered the construction of a partial ring road, but would require construction of a hammer head turn- around at the southeast corner of the facility. Physical resource impacts would have included major cut and fill and construction of a large, prominent retaining wall. This alternative would have greater environmental impacts to achieve the project objectives when compared to the alternatives studied.

Affected Wetlands

Wetland Extent and Characteristics

The National Park Service (NPS) conducted a wetland inventory for the entire Rodeo Valley in 2002; however, the area around The Marine Mammal Center (Center) was not mapped either for reasons of access or because it fell below the minimum mapping area requirements. NPS staff conducted a wetland delineation in November 2003, and estimated that there are 0.08 wetland acres in the project area (Figure 2). This wetland is seasonally saturated and has a mixed Cowardin Class for vegetation type: Palustrine Scrub- Shrub/ Emergent. The U.S. Army Corps of Engineers verified the wetland delineation and determined that they will not take jurisdiction over the wetland.

Of the 243 total acres of wetlands mapped in the Rodeo Lagoon Watershed (including Gerbode Valley), 4.7 acres were also Palustrine Scrub- Shrub/ Emergent. An additional 107.4 acres is considered Palustrine Scrub- Shrub, and 83.5 acres is Palustrine Emergent.

The wetland features adjacent to the Marine Mammal treatment site are narrow drainages along the northern side of the existing facilities and are the result of natural drainages and installed concrete or asphalt drainages that have accumulated sediment and debris resulting in establishment of wetland vegetation. Vegetation within these features includes rush (*Juncus* sp.), umbrella sedge (*Cyperus eragrostis*), curly dock (*Rumex crispus*), and Italian ryegrass (*Lolium multiflorum*). A larger drainage swale is located along the northeastern side of the treatment site facilities at the bottom of the hillside and adjacent to the concrete drainage ditch. This swale includes curly dock, umbrella sedge, rush, and mature willows (*Salix* sp.). This wetland swale is seasonally saturated and of slightly higher habitat quality although still isolated from other like habitat. This area provides no habitat for special status species but does provide habitat for such species as pacific tree frog (*Hyla regilla*) and western toad (*Bufo boreas*).

This small wetland is not used by park visitors and the affected area does not constitute a public area of The Center. The wetland is not currently being used for research purposes. The wetlands do not constitute a visual resource, as the affected area is barely noticeable and adjacent to the built structures. Cultural Resources staff determined that there are no known or anticipated archaeological resources in this area.

Southeast of the treatment site adjacent to the former kennel site is a much larger contiguous wetland area that contains Palustrine Emergent vegetation at the top of the drainage and Palustrine Scrub- Shrub further down the drainage. This wetland would not be directly affected by the Marine Mammal Center project but mitigations have been included in the EA (and cited below) to ensure that potential development of a new parking lot (proposed in Alternatives 3 and 4) in this area would not allow harmful run- off to reach these wetlands.

Insert wetland Map Figure 2

Environmental Consequences of the Proposed Action on Wetlands

Impairment

Alternative 2, the Preferred Alternative, would result in local, long- term, moderate, adverse impacts to wetland resources at the Marine Mammal Center project area. The adverse effect of this alternative on wetland resources would be localized but clearly detectable. The Marine Mammal Center Project would not be expected to have an overall effect on the wetland resources of the area, due to the temporary duration of construction activity and the existing developed features in the area (i.e., the Marine Mammal Center, corporation yard, Fort Cronkhite, and the Marin Headlands Visitor Center). The local adverse impacts to wetland resources would not be of sufficient magnitude or nature to impair the integrity of wetland resources that are necessary to fulfill specific purposes identified in the park's establishing legislation, key to opportunities for enjoyment of the park, or identified as a goal in the park's *General Management Plan* or other relevant planning documents. Therefore, the impacts of this project would not impair resources or park values for future generations.

Design or Modifications to Minimize and Mitigate Harm to Wetlands

Construction of the ring road would result in direct and indirect impacts to approximately 0.08 acres of non- jurisdictional wetland. Of this, approximately 0.025 acres of wetland would be filled for the ring road and 0.055 acres would be indirectly affected. Only the No Action Alternative would avoid impacts to wetlands. The Preferred Alternative avoids impacts to wetlands that could occur as a result of construction of a remote parking lot under the other action alternatives. The alternatives analysis is discussed above. Best management practices and resource- specific mitigation measures would be implemented, as appropriate, prior to, during, and after implementation of the proposed action to minimize direct and indirect wetland impacts. Below are several relevant mitigations described in Appendix A of the EA for the project.

- Utilize structural best management practices (oil filters, biofilters, control of run- on and run- off, etc.) and operational best management practices (including spill prevention and control) throughout the project design. Install easily cleanable catch- basins, debris screens, and grease separators or similar water quality protection devices in parking lots and drainage facilities.

- All buildings and parking areas shall be designed to provide the maximum opportunity for surface run- off to be directed away from sensitive habitat and infiltrate the soil. Use of vegetated swales and planting areas shall be utilized to reduce run- off and remove contaminants.

- Take measures to control erosion, sedimentation, and compaction. Use silt fences, sedimentation basins, etc. in construction areas to reduce erosion, surface scouring, and discharge to water bodies.

- To the extent possible, schedule the use of mechanical equipment during periods of low precipitation to reduce the risk of accidental hydrocarbon leaks or spills. When mechanical equipment is necessary outside of low precipitation periods, use National Park Service–approved methods to protect soil and water from contaminants.

- Dispose of volatile wastes and oils in approved containers for removal from construction sites to avoid contamination of soils, drainages, and watercourses.

- Inspect equipment for hydraulic and oil leaks prior to use on construction sites, and implement inspection schedules to prevent contamination of soil and water.

- Other Structural BMPs – Structural BMPs shall minimize discharge to the storm sewer system and control run- off quality to the maximum extent practical.

- With guidance from the NPS, The Center will monitor the effects of runoff to Rodeo Lake and Rodeo Lagoon from the new parking areas.

DO- 77- 1 states that every effort should be made to assure that wetland compensation requirements meet the needs of both DO 77- 1 and Section 404 of the Clean Water Act.

The NPS has consulted with the Army Corps of Engineers to determine if a Section 404 permit is required and if mitigation to replace the functions and values lost from the permanent fill of jurisdictional areas is necessary to comply with the Clean Water Act. The Army Corps of Engineers sent the NPS a letter dated August 9, 2004, stating that they will not take jurisdiction over the wetland at The Center and will not require mitigation. NPS Procedural Manual for DO 77- 1 (section 5.2.C.1.) allows for compensation of wetlands to be waived if the adverse impact on wetlands from the entire project totals less than 0.1 acres. No compensation is necessary since:

- the impacted area (0.08 acre) is below the 0.1 acre threshold

- the loss of wetland functions is considered to be minimal (similar wetlands exist throughout the park)

- Best Management Practices (BMPs) for activities in or affecting wetlands will be employed (as defined in Appendix 2 of the Procedural Manual for Director's Order 77- 1).

Even though the impact to wetlands is minimal and the compensation requirement is waived for this project, The Center will complete wetland enhancement in the project vicinity in order to support the NPS goal of increasing the quality and quantity of the nation's wetlands. The details of this enhancement will be determined at a later date but will replace the function, value, and overall area of the 0.08 acre wetland that will be directly and indirectly impacted by the project. The Center will mitigate at a ratio of 2:1 (2 acres of enhancement for every acre impacted). Therefore, a total of 0.16 acres or more of palustrine scrub- scrub and emergent wetlands will be enhanced at a site near the impacted area in the Rodeo Lagoon Watershed in the Marin Headlands. An enhancement plan will be developed by The Center, and approved by the NPS, prior to the commencement of groundbreaking of the site and facilities improvement project. Enhancement activities will begin the same year as the commencement of construction. A copy of the enhancement plan will be sent to the California Coastal Commission and the San Francisco Bay Regional Water Quality Control Board.

The enhancement plan will include the removal of non- native invasive plants from the mitigation area to prevent loss of native vegetation through shading and competition. NPS plant ecologists will train The Center staff in identification and removal techniques. Native plants may be planted if it is determined that plantings will contribute to enhanced functions of the wetland area. The proposed enhancement plan will require The Center to act as stewards of the land to ensure the success of enhancement activities through ongoing management and monitoring for a minimum of five years. The Center will be responsible for documenting dates and type of work performed using existing Park "work performed" datasheets.

The enhancement plan will also include provisions for annual reporting that summarize the enhancement activities, progress- to- date, management, and monitoring. The report will include photographs of the site conditions so that they may be evaluated through time. Copies of the annual report will be provided to the NPS, California Coastal Commission, and San Francisco Bay Regional Water Quality Control Board.

Conclusion

The National Park Service finds that there are no practicable alternatives to disturbing 0.08 acres of wetlands adjacent to the Marine Mammal Center treatment site. Wetlands have been avoided to the maximum practicable extent, and the wetland impacts that could not be avoided will be minimized. Although wetland compensation has been waived for this project in accordance with Procedural Manual 77- 1, The Center will complete wetland enhancement in the vicinity. The National Park Service, therefore, finds that this project is in compliance with Executive Order 11990: "Protection of Wetlands."

Recommended:

Original signed	9/03/2004
Superintendent, GGNRA	Date

Certification of Technical Adequacy and Servicewide Consistency:

Original Signed	9/14/2004
Chief Water Resources Division or Professional Wetland Scientist, National Park Service	Date

Approved:

Original Signed	10/20/2004
Regional Director Pacific West Region, National Park Service	Date